Supreme Court of the United States

OCTOBER TERM—1939.

NOS. 73 AND 74

POSTAL STEAMSHIP CORPORATION,
Petitioner,

against

STEAMSHIP EL ISLEO, etc.;
SOUTHERN PACIFIC COMPANY,
Respondent.

POSTAL STEAMSHIP CORPORATION,
Petitioner,

against

SOUTHERN PACIFIC COMPANY,
Respondent.

PETITIONER'S BRIEF.

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PETITIONER'S BRIEF.

Certiorari was granted on October 9, 1939, to review a decision of the Circuit Court of Appeals for the Second Circuit, in admiralty, affirming two decrees of the District Court for the Southern District of New York, one a final decree dismissing the petitioner's libel against the respondent's steamship El Isleo, and the other an interlocutory decree in favor of the respondent upon its cross-libel against the petitioner's steamship Eastern Glade.

The opinion of the Circuit Court of Appeals (R. 281), from which we quote below, is reported in 101 F. (2d) 4, and that of the District Court in 20 F. Supp. 373.

Statement.

This is a case of collision between the petitioner's steamship Eastern Glade and the respondent's steamship El Isleo which occurred near the junction of Curtis Bay Channel and Fort McHenry Channel in the waters of Baltimore Harbor at 5:40 p.m., on December 19, 1935. The vessels were on crossing courses, the Eastern Glade having El Isleo on her starboard hand. Both vessels sustained damage. The courts below have found the petitioner's vessel solely at fault.

The Question Presented.

By the statutory starboard-hand rule, where two steamships are on crossing courses the one having the other to starboard is required to keep out of the way and the other is required to keep her course and speed.

In the absence of a *distinct indication* that the so-called burdened vessel is about to fail in her duty, the point at which the so-called privileged vessel must herself take action to avoid collision is the point at which it becomes evident to her navigator that the burdened vessel alone cannot avoid collision.

What does or should constitute a "distinct indication" that the burdened vessel is about to fail in her duty always has been a perplexing question.

In the case of *The Delaware*, 161 U. S. 459, at 469, (*infra*, p. 10), this court recognized and left open the question whether, in the inland waters, a two-blast signal, or an alarm signal, from the burdened vessel would constitute such an indication.

By the Act of June 7, 1897 (ch. 4 § 2, as amended), adopting the present statutory Inland Rules, the Supervising Inspectors of Steam Vessels and the Director of the

Bureau of Marine Inspection and Navigation were empowered to "establish such rules to be observed by steam vessels in passing each other * * * not inconsistent with [the statute] * * * as they from time to time may deem necessary for safety, which rules when approved by the Secretary of Commerce," shall have the force of the statutory enactments (33 U. S. C. § 157).*

In pursuance of their authority the supervising inspectors adopted regulations which, in substance, provide that where the so-called privileged vessel in a crossing situation receives an unacceptable proposal to cross ahead, the privileged vessel may not maintain her course and speed until collision becomes imminent but at once must sound danger signals and stop and back if necessary until a safe passage has been agreed upon.

The question presented is whether those regulations of the supervising inspectors, specifically Rules II and VII of the Pilot Rules for Certain Inland Waters, are in conflict with Article 21 of the statutory Inland Rules.

In the appendix to this brief the pertinent sections of the statutory Inland Rules, together with the challenged Rules of the Supervising Inspectors (in bold type), are printed in one column, and in the other column are given the comparable provisions of the statutory Rules (and the Inspectors' Rule X) governing navigation on the Great Lakes. The latter are shown only because of their essential similarity to the statutory Inland Rules as supplemented by the challenged Rules of the Supervising Inspectors.

The Facts.

It is believed that the facts sufficiently appear in the following excerpt from the opinion of Judge Swan in the court below, to which the footnotes have been appended by the petitioner.

"The collision occurred in the waters of Baltimore Harbor near the junction of Curtis Bay Channel with

* Set out on page 10 of Petition for Certiorari.

Fort McHenry Channel. The latter is about 600 feet wide and runs in a northwesterly direction toward Baltimore; the former running nearly east and west, comes into Fort McHenry Channel from the west but does not cross it. The night was clear, the tide ebb, and a 15 mile breeze was blowing from the northwest. The steamship Eastern Glade, light, [Note 1] was bound out of Curtis Bay Channel and was intending to turn left into Fort McHenry Channel and proceed to Baltimore. The steamer El Isleo, laden with 1,000 tons of steel ore, also bound for Baltimore, was proceeding up Fort McHenry Channel at full speed—about eight miles through the water, as she was working only one boiler. When the vessels sighted each other they were more than a mile apart, the El Isleo being about four points on the starboard bow of the Eastern Glade. The latter stopped her engines and shortly thereafter sounded a two blast signal to indicate, as her master says, that his course was to the left and up Fort McHenry Channel. El Isleo answered the two blast signal with an alarm followed by one blast, to indicate that she would keep her course and speed. [Note 2] Captain Korn of El Isleo testified that the Eastern Glade responded with four blasts followed by one, while her captain says she responded with three blasts to indicate that she was reversing her engines. El Isleo kept on until she reached a buoy just opposite Curtis Bay Channel, when, believing collision imminent, she put her rudder hard right and swung out of Fort McHenry Channel to her starboard. The Eastern Glade, although her master testified that he intended to hold back in Curtis Bay Channel until El Isleo had passed the junction, came clear across Fort McHenry Channel and brought her

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NOTE 1. At the time of the collision the Eastern Glade was drawing 7 feet forward and 11.3 feet aft (R. 146). Her bow was high, her propeller half exposed, the hub about at the water line (R. 61). She is a single screw steamer 400 feet long, 54.5 feet wide, of 27.6 feet moulded depth. El Isleo is a single screw steamer 334.6 feet long, 46.1 feet wide, of 26.1 feet moulded depth. (Lloyd's Register.)

NOTE 2. The master of El Isleo testified on direct examination (R. 23):

Q. That one blast signal following the four blast signal indicated what?

A. That I was coming up the channel and I demanded the right to proceed on my way up the channel.

stem into contact with the port side of El Isleo about amidships. The place of collision was east of Fort McHenry Channel. The district court did not determine how far to the east, but McDonald testified it was about 200 yards." [Note 3]

After discussing the converging courses of the two vessels, Judge Swan continued:

"Such converging courses involve the very risk that resulted in the collision, and the rights and duties of the vessels are governed by Articles 19, 22 and 23 of the Inland Rules, 33 U. S. C. A. §§ 204, 207, 208. * * *"

"* * * Accordingly, the District Court was right in treating the situation as one of crossing courses."

The Decision to be Reviewed.

Immediately following the finding that the vessels were on crossing courses the opinion of the Circuit Court of Appeals continued:

"So viewed no fault appears in the navigation of El Isleo, the privileged vessel. To the two blast signal of the Eastern Glade Captain Korn responded with an alarm followed by one blast to indicate his refusal to yield his right of way. In The Fulton, 2 Cir., 54 F. 2d 467, we discussed the rule established in this circuit that in a crossing situation the privileged vessel may 'cross' the signal of the burdened vessel and hold her course and speed until it becomes evident that the burdened vessel either cannot or will not keep out of the way. Although the rule was criticized, we thought it too firmly established to be departed from until the Supreme Court speaks. We still adhere to that view." (Opinion, R. 284)

NOTE 3. This is a mistake on the court's part. McDonald testified that the bearings which he took *after* the collision showed his vessel *then* to be about 200 yards to the eastward of the channel: "That is where we finally came to rest" (R. 204). His vessel proceeded at full speed, turned easterly under hard-right rudder, and her engines were not stopped until about the time of collision (R. 220).

Vessels subsequently *in extremis*.

Having thus held that El Isleo might sound a cross-signal and continue at full speed, the court found no fault in El Isleo's conduct thereafter.

> "The district court found that El Isleo was justified in holding her course and speed until she reached buoy 8 M, when she put her rudder hard right and ran to starboard out of the channel. The evidence amply supports this finding. Nor can her captain be charged with fault because in extremis he chose that chance of avoiding the collision instead of the chance of reversing his engines. The Nordpol, 2 Cir., 84 F. 2d 3. We agree also with the finding that the proof of El Isleo's navigation overcame any presumption of fault arising from the fact that her captain had no pilot's license for the local waters. The fault of the Eastern Glade was glaring and was alone sufficient to account for the disaster; hence any slight doubt as to the propriety of El Isleo's navigation should be resolved in her favor. The City of New York, 147 U. S. 72, 85, 13 S. Ct. 211, 37 L. Ed. 84."

The fundamental question here is not whether El Isleo was in extremis when her master chose to turn out of the channel at Buoy 8 M, or the correctness of what he did then. The fault lay farther back, when El Isleo's master chose to sound a cross-signal and to continue at full speed until the vessels were in extremis.

Both courts below have accepted respondent's contention that the vessels were *in extremis* when El Isleo reached Buoy 8 M, where she turned hard right out of the channel, and have held that her master's election not to reverse at that point is excusable, notwithstanding that the Eastern Glade was seen already to have turned left (McDonald, pilot, R. 219; appended chart, Position G).

Questionable as that conclusion is (cf. *The Otranto*, (H. L.) 18 Asp. Mar. Cas. 193) it is separate from the clear-cut primary proposition before this court, that the

time when El Isleo should have stopped was when the supervising inspectors' rules required her to do so; that is, when her master rejected the two-blast proposal and "demanded the right to proceed". El Isleo could have stopped her headway in about 200 yards by reversing (R. 37), and she was at least that distance below Buoy 8 M when she sounded the alarm and cross-signal (McDonald, R. 219 and 232; appended chart, position A; R. 201, 210). Her master placed her still farther away from the buoy (R. 24).

Her pilot admitted, and her master did not deny, that by reversing at any time before reaching Buoy 8 M, El Isleo could have avoided collision. They tardily argued that the Eastern Glade had answered their four blasts and one blast with like signals (McDonald, deposition Nov. 12, 1936, R. 193, 200, 220; Korn, Trial R. 23). The Eastern Glade's bridge officers had previously testified by deposition (March 16, 1936, R. 104) to a three-blast backing signal (master, R. 147, 148; third officer, R. 123, 124; the chief officer, not on bridge duty, said four blasts, R. 44).

The contention that the Eastern Glade blew four blasts and one was not made in El Isleo's pleadings (R. 5, 11), where surely it would have appeared if respondent originally had intended to assert that there was a one-blast passing agreement (cf. *The Britannia*, 153 U. S. 130 at 140).

The danger signal is defined by the inspectors' Rule I as "several short and rapid blasts, not less than four".

Obviously the four blasts and one blast belatedly testified to by El Isleo's officers were not the "*signals for passing with safety*" required by the inspectors' Rule VII to be "made and understood" before El Isleo should go on (McDonald, R. 201).

The conclusive factor, of course, is that El Isleo's initial fault, in sounding a cross-signal and continuing at full speed, was already operative (R. 33; 218-9).

Argument.

The five facts essential to the determination of the question here involved are not controverted:

1. The vessels were on crossing courses, the Eastern Glade having El Isleo on her starboard hand.
2. The Eastern Glade sounded a whistle signal of two blasts.
3. El Isleo answered with a danger signal and one blast and continued at full speed up to the moment of collision.
4. The Eastern Glade promptly reversed but failed to overcome her headway before collision.
5. If at the time El Isleo sounded the alarm she had stopped and backed her engines there would have been no collision.

Rules II and VII are Salutary and are Not Inconsistent with the Statute.

The following are the material portions of the opinion written by Judge Learned Hand in the case of *The Fulton*, 54 F. (2d) 467, 468, referred to in the opinion below:

> "The Inspectors' Rules have always forbidden cross signals in passing situations, and in all others too since 1909. *They have coupled the injunction with another which required the answering vessel, if the first signal was inappropriate, to sound an alarm and check her speed, now apparently confined to crossing situations* (Rule VII). In a number of decisions involving crossing situations we have exonerated a vessel which pressed her statutory privilege by crossing the signal and holding her course and speed. *The John King* (C. C. A.) 49 F. 469; *The Cygnus* (C. C. A.) 142 F. 85; *The Transfer No. 15* (C. C. A.) 145 F. 503; *The John H. Starin* (C. C. A.) 162 F. 146; *The Montauk* (C. C. A.) 180 F. 697; *The Ashley* (C. C. A.) 221 F. 423.

"Our reasoning has been, that, as the statute (Inland Rules) article 21 (33 USCA § 206), puts a duty upon the privileged ship to keep her course and speed, no rule can be valid which affects to relieve her of it, and that she may announce her determination to insist by crossing the first signal. The doctrine has been too long and too repeatedly established to allow any question now, *but it is plain that the inspectors have never assented to it.* We have at times said that the rule promoted collisions, which were to be avoided only by rigid adherence to the statutory rules. The supposed certainty is, however, somewhat illusory, for concededly there comes a time when the privileged vessel must yield; there is never a 'right of way into collision.' At best the point where she must do so, is one of degree, and, *were the question res integra, we should hold the rule valid.* The inspectors apparently believe that in the greater number of cases it will conduce to collision to allow a pilot to keep on in the face of a proposal by the approaching vessel that she put herself across his bows. True, the proposer often will not act without consent; but it is certainly possible that prudence forbids speculation as to whether he has still time or disposition to keep out of the way. Again and again cases arise in which the proposal is repeated, the vessels coming nearer all the time; sometimes, it is repeated even after it has been crossed by a refusal. *No substantial interest is at stake except to escape collision which will certainly be avoided if both stop.* We recognize that the requirement puts a premium upon wilfulness, for the burdened vessel need only announce her purpose and keep on; and if the other prove docile, she has lost her right of way and must bear the insolence. This may perhaps prove too much for ordinary human nature, but 'safety is better than pride'; [*The Quogue*, 47 F. (2d) 873 (C. C. A. 2)], and stopping is more likely to avoid disaster than going on in the teeth of what is at least a proposal, and may be a declaration. *At any rate the situation appears to us proper for the exercise of the inspectors' function in providing for cases not covered explicitly. They are certainly in better position than we to determine which course is safer in the long run.*

"The court as now constituted cannot see any conflict with the statute, unless that be read without regard to its purpose. Articles nineteen and twenty-one (33 USCA §§ 204, 206) do not require any signals at all; if one is given proposing a dangerous course, it appears to us too verbal and rigid an interpretation to say that the privileged vessel is inevitably still bound; at least, officials, vested with general authority, are not helpless to meet the situation by a rule. All the steaming rules are themselves subject to Article twenty-seven (33 USCA § 212) authorizing a departure 'to avoid immediate danger.' Can it be that though vessels themselves may so depart, the inspectors may not say that a situation likely to be dangerous shall be treated as such? However, unless the Supreme Court chooses finally to settle the whole matter otherwise, in crossing situations we have no option and shall continue to disregard the rule, whatever our personal judgment." (*The Fulton*, 54 F. (2d) 467, at 468; our italics.)

To what Judge Learned Hand has written, there may be added certain other considerations.

In *The Delaware*, 161 U. S. 459, the vessels were on crossing courses, the tug Talisman being the preferred vessel, and the tanker Delaware required to give way. No signals were blown by the Delaware, and on two occasions the Talisman blew a signal of one blast to indicate that she would hold her course and speed. There was nothing to suggest to the Talisman, until the vessels were *in extremis*, that the Delaware would not keep out of the way.

This Court said:

The cases of *The Britannia*, 153 U. S. 130, and *The Northfield*, 154 U. S. 629, must be regarded, however, as settling the law that the preferred steamer will not be held in fault for maintaining her course and speed, so long as it is possible for the other to avoid her by porting, at least in the absence of some distinct indication that she is about to fail in her duty."

The Court added that there had been nothing to suggest to the tug Talisman, until the vessels were *in extremis*,

that the Delaware would not keep out of the way, and concluded, page 469, that if for any reason the Delaware were unable to do so,

"* * * it was her plain duty to apprize the tug of the fact, either by blowing the starboard signal of two whistles or an alarm whistle, to indicate that the circumstances were such as to render it impossible for her to fulfill her obligation to keep out of the way of the tug. *If she had done so a different question would have been presented*" (our italics).

The supervising inspectors have in fact done no more here than to resolve what this court there considered to be an open question. Unless the question were to be answered by Congress directly, it could be resolved only by the supervising inspectors or by the courts.

The reality of that question has not been affected by anything said or decided by this court in any other case. The most closely related cases on which this court has passed since 1880 include:

Wilson v. *Pacific Steamship Company,* 276 U. S. 454, which involved the application of the International Rules (33 U. S. C. ch. 2), and in which the burdened vessel sounded no signal and gave no other indication that she intended to cross ahead. It was expressly noted by Mr. Justice McReynolds that the situation there was indistinguishable from the one presented in *The Delaware, supra.*

The Britannia, 153 U. S. 130, where each vessel sounded a timely signal of one blast, but the privileged vessel, after a final signal of one blast, stopped, reversed, and then remained stationary for a minute and a half in the path of the burdened vessel. Both vessels were held at fault.

The Breakwater, 155 U. S. 252, in which there were three exchanges of one-blast passing signals and no timely intimation that the burdened vessel would not comply with the clear understanding.

In *The New York*, 175 U. S. 187, both vessels were held at fault, the preferred vessel for violation of what was then Rule 21 of the Revised Statutes, § 4233, which provided that every vessel when approaching another vessel so as to involve risk of collision should slacken her speed, or, if necessary, stop and reverse. There were other faults also in that case.

Attention has already been invited to the comparable provisions of the statutory rules for the Great Lakes (33 U. S. Code, Chapter 4) and the statutory Inland Rules, as supplemented by the Supervising Inspectors' rules under consideration. It may be noted that the requirements of No. 26 of the Great Lakes Rules, 33 U. S. Code 291, and the provisions of Rules II, III and VII of the Supervising Inspectors, might be interchanged without altering in any essential particular the duties of the vessels to which the respective rules apply.

It would not be a new experience with names to realize that the use of the word *privileged* to describe the status of the vessel that ordinarily will hold her course and speed, has been unfortunate.

> "As long as the matter to be considered is debated in artificial terms there is danger of being led by a technical definition to apply a certain name, and then to deduce consequences which have no relation to the grounds on which the name was applied." *Guy* v. *Donald*, 203 U. S. 399, 406.

The statute and the inspectors' rules do not use the word *privileged* at all; but both the word and its connotations are evident in the opinions that Judge Hand criticized and in others that he might have mentioned.

When considerations of prestige or special dignity are laid aside, and it is appreciated that the sole purpose of Congress was to provide a way of avoiding collisions, the consistency between the statute and the inspectors' rules is unmistakable.

Conclusion.

It has never been suggested by this court that a so-called privileged vessel should maintain her course and speed in the face of another's two-blast proposal to cross ahead. On the contrary, this court's express recognition of the problem that would be presented in those circumstances is at least consistent with the idea that this court itself, if called on, would have met the problem as the supervising inspectors have done (*The Delaware*, supra).

Nor has this court ever suggested that the Supervising Inspectors are unequal to the business that Congress entrusted to them as experts. Indeed, this court has admonished the lower courts that the inspectors' rules, unless in conflict with the statutes, must be given the force of statutory law. (*Belden* v. *Chase*, 150 U. S. 674, 698.)

Judge Learned Hand's analysis in *The Fulton* case leaves no room to doubt the correctness of the conclusion that has been reached by the present members of the Circuit Court of Appeals as to the efficacy as well as to the validity of the Inspectors' Rules.

Petitioner does not agree with so much of the decision below as holds El Isleo free from fault if the Inspectors' Rules are invalid, but presumably petitioner must bow here to that part of the decision. It is manifest, however, that unless this court finds those rules invalid, El Isleo was at fault with the Eastern Glade.

It is most respectfully submitted that the decrees below should be reversed, with directions to enter a mutual-fault decree in each case.

JOHN C. CRAWLEY,
EARLE FARWELL,
for the Petitioner.

New York, November, 1939.

Appendix.

Statutory Rules and Inspectors' Rule X for the Great Lakes. (33 U. S. Code, ch. 4)	*Statutory Rules and Inspectors' Rules II, III and VII for the Inland Waters.* (33 U. S. Code, ch. 3)
§ 283. Rule 18.	§ 204. Art. 19:
"When two steam vessels are crossing so as to involve risk of collision the vessel which has the other on her own starboard side shall keep out of the way of the other."	
§ 285. "Rule 20. Where, by any of the rules in this chapter prescribed, one of two vessels shall keep out of the way, the other shall keep her course and speed."	§ 206. "Art. 21. Where, by any of these rules, one of the two vessels is to keep out of the way, the other shall keep her course and speed."
Supervising Inspectors':	§ 207: "Art. 22. Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other."
"Rule X. When two steamers are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one steamer is overtaking another, the steamer which has the other on her own port side shall hold her course and speed; and the steamer which has the other on her own starboard side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other steamer, or, if necessary to do so, slacken her speed or stop or reverse. The steamer having the other on her own port bow shall blow one blast of her whistle as a signal of her intention to cross the bow of the other, holding her course and speed, which signal shall	

(Great Lakes)

be promptly answered by the other steamer by one short blast of her whistle as a signal of her intention to direct her course to starboard so as to cross the stern of the other steamer or otherwise keep clear.

"If from any cause whatever the conditions covered by this situation are such as to prevent immediate compliance with each other's signals, the misunderstanding or objection shall be at once made apparent by blowing the danger signal, and both steamers shall be stopped, and backed if necessary, until signals for passing with safety are made and understood."

§ 286. Rule 21.

"Every steam vessel which is directed by these rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop and reverse."

§ 291. "Rule 26. If the pilot of a steam vessel to which a passing signal is sounded deems it unsafe to accept and assent to said signal, he shall not sound a cross signal; but in that case, and in every case where the pilot of one steamer fails to understand the course or intention of an approaching steamer,

(Inland)

§ 208. Art. 23:

Supervising Inspectors':

"Rule II. Steam vessels are forbidden to use what has become technically known among pilots as 'CROSS SIGNALS', that is, answering one whistle with two, and answering two whistles with one."

"Rule III. The SIGNALS FOR PASSING, by the blowing of the whistle, shall be given and answered by pilots, in compliance with these rules, not only when meeting "head and head", or nearly so, but at all times

(Great Lakes)

whether from signals being given or answered erroneously, or from other causes, the pilot of such steamer so receiving the first passing signal, or the pilot so in doubt, shall sound several short and rapid blasts of the whistle; and if the vessels shall have approached within half a mile of each other both shall reduce their speed to bare steerageway, and, if necessary, stop and reverse."

(Inland)

when the steam vessels are in sight of each other, when passing or meeting, at a distance within half a mile of each other, and whether passing to the starboard or port.

"The whistle signals provided in the rules for steam vessels meeting, passing, or overtaking are never to be used except when steam vessels are in sight of each other, and the course and position of each can be determined in the daytime by a sight of the vessel itself, or by night by seeing its signal lights. In fog, mist, falling snow, or heavy rainstorms, when vessels can not so see each other, fog signals only must be given."

"Rule VII. When two steam vessels are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one steam vessel is overtaking another, the steam vessel which has the other on her own port side shall hold her course and speed; and the steam vessel which has the other on her own starboard side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other steam vessel, or, if necessary to do so, slacken her speed or stop or reverse.

(Great Lakes) (Inland)

"If from any cause the conditions covered by this situation are such as to prevent immediate compliance with each other's signals, the misunderstanding or objection shall be at once made apparent by blowing the danger signal, and both steam vessels shall be stopped and backed if necessary, until signals for passing with safety are made and understood."

§ 292. Rule 27. § 212. Art. 27:

"In obeying and construing these rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger."

§ 293. Rule 28. § 221. Art. 29:

"Nothing in these rules shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case."

Opposite chart, reproduction of McDonald El Isleo Exhibit A, (R. 201).

Positions as testified to by El Isleo's Pilot, McDonald:

E, F. Positions of the vessels when El Isleo first saw Eastern Glade. E, indicates El Isleo. F, indicates Eastern Glade (R. 209-10).

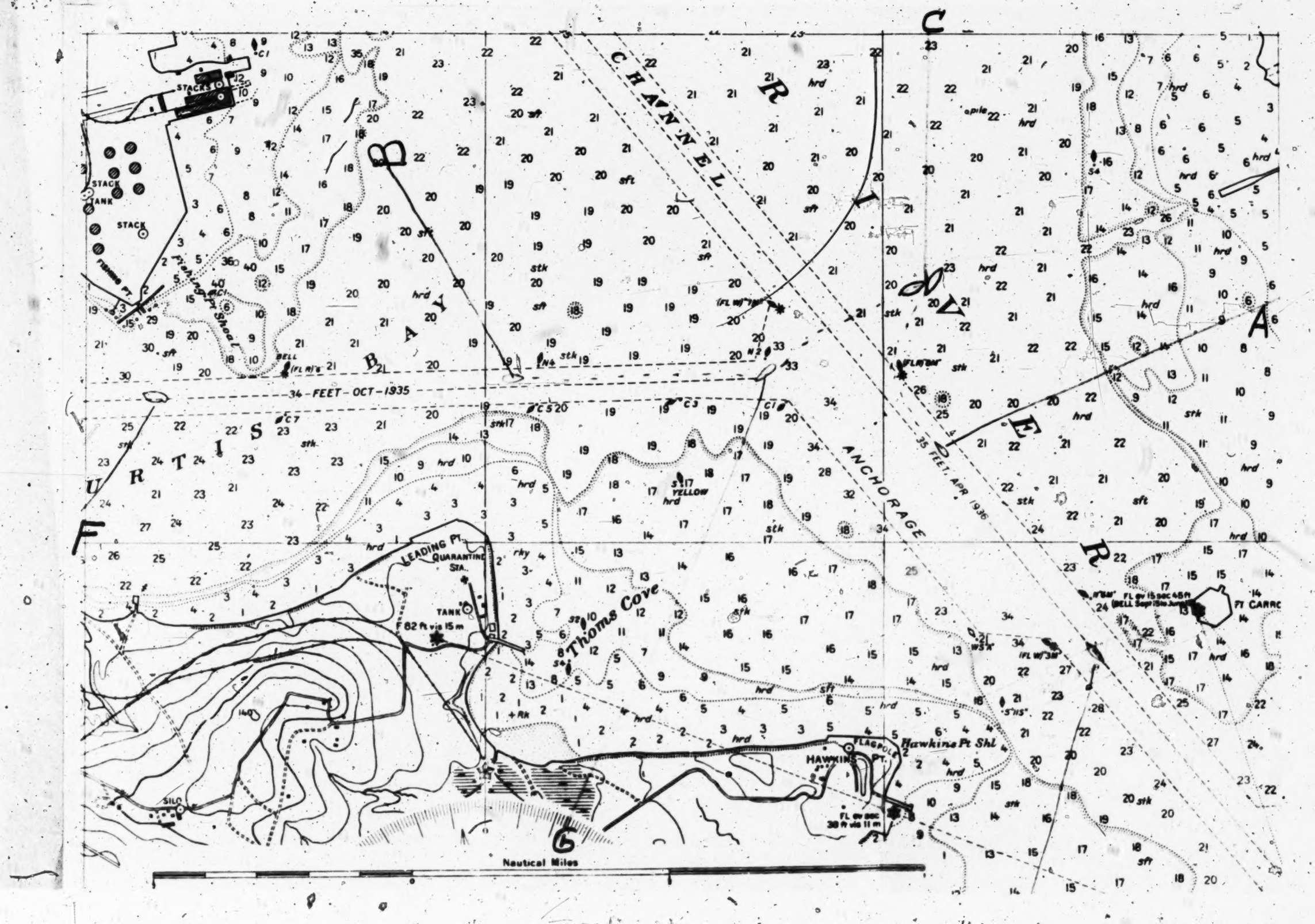
B. When Eastern Glade blew two blasts (R. 201).

A. When El Isleo sounded alarm and one blast (R. 201).

G. Position of Eastern Glade when El Isleo was abreast Buoy 8M (R. 219).

C. Way in which vessels came together (R. 202-3).

Eastern Glade's testimony was that El Isleo delayed nearly two minutes before answering Eastern Glade's two blast signal (master, R. 148; third officer, R. 123). El Isleo witnesses testified that they answered promptly (master, R. 37; pilot, R. 199).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BAY
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LEADING PT.
QUARANTINE STA.
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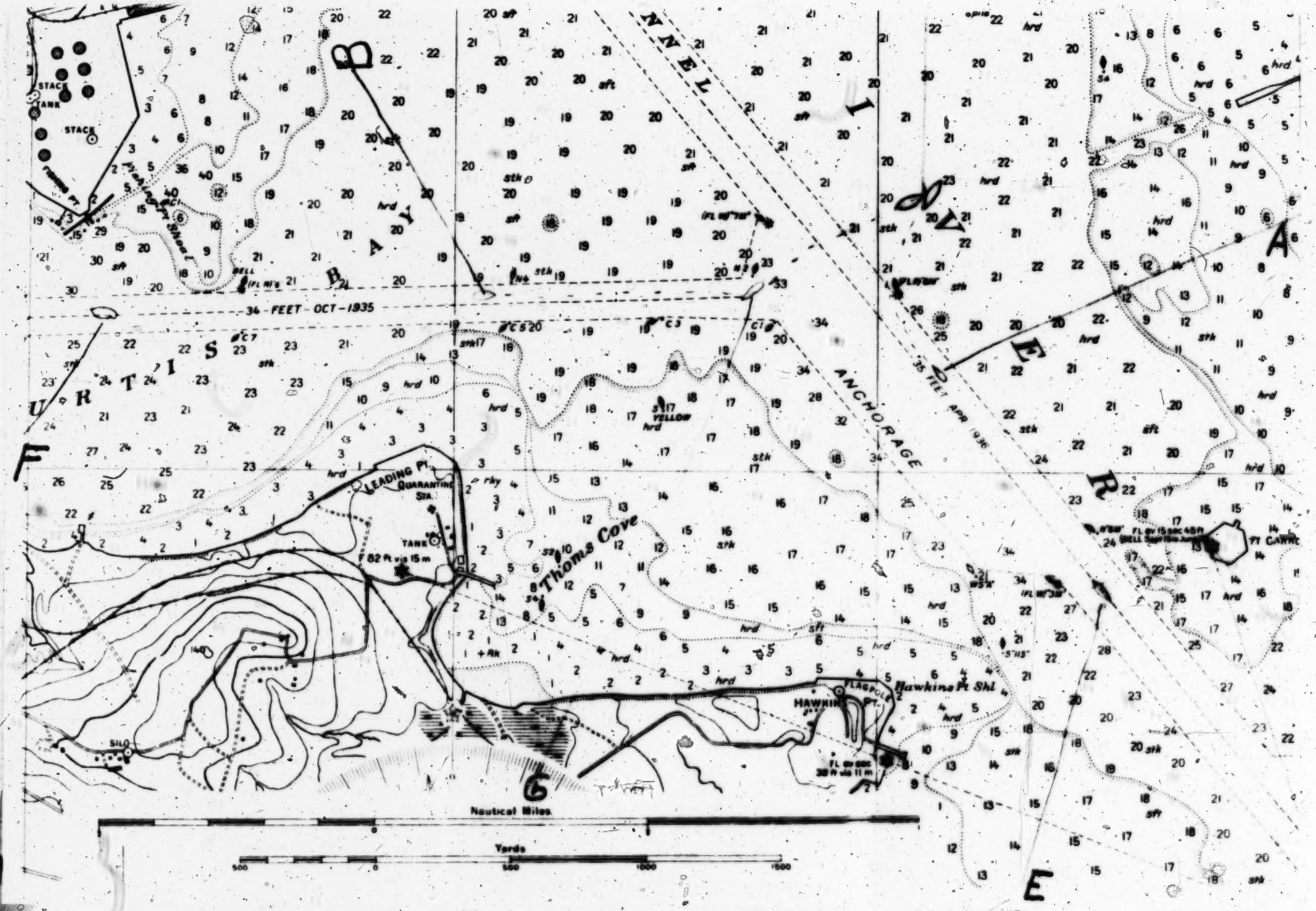
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35 FEET APR 1936
LEADING PT
QUARANTINE STA
TANK
STACK
STACK TANK
SILO
Thoms Cove
HAWKINS PT
FLAGPOLE
Hawkins Pt Shl
77 CAMP
Nautical Miles
Yards